

**BRIGHAM CITY PLANNING COMMISSION MEETING  
TUESDAY, JANUARY 16, 2007 – 6:30 PM  
BRIGHAM CITY COUNCIL CHAMBERS**

PRESENT:	Kevin Lane	Chairman
	Reese Nielsen	Vice-Chairman
	Patti Ellis	Commissioner
	Bill McGaha	Commissioner
	Joan Peterson	Commissioner
	Barbara Poelman	Commissioner
	Miles Brown	Alternate
CITY STAFF:	Mark Teuscher	City Planner
	Eliza McGaha	Administrative Secretary
EXCUSED:	Steve Hill	City Council Liaison
	David Hipp	Commissioner

**AGENDA**

6:00 p.m.	WORK SESSION – AGENDA REVIEW
6:30 p.m.	REGULAR MEETING
6:31 p.m.	PLEDGE OF ALLEGIANCE
6:33 p.m.	ELECT CHAIR FOR 2007 CALENDAR YEAR
6:35 p.m.	APPROVAL OF THE DECEMBER 05 19, 2006 WORK SESSION MINUTES AND REGULAR MEETING MINUTES
6:40p.m.	<b>APPLICATION #2865 / PUBLIC HEARING – CONTINUANCE / KOTTER CANYON SUBDIVISION, PRELIMINARY PLAT / 1400 NORTH MAIN / KOTTER CANYON ESTATES LLC</b>
6:55 p.m.	<b>APPLICATION #1049 / AMEND EXISTING CONDITIONAL USE PERMIT FOR LICENSED FAMILY GROUP CHILD CARE PROVIDER / 130 ASHE CIRCLE / LOUISE STROMBERG</b>
7:05 p.m.	<b>APPLICATION # 2868 / APPROVE AMENDED DESIGN REVIEW – RECEPTION CENTER/ 657 SOUTH MAIN STREET / KEVIN GUYMAN</b>
7:15 p.m.	<b>APPLICATION #2810 / DESIGN REVIEW – PROFESSIONAL OFFICE RETAIL SALES / 1125/1149 SOUTH 450 WEST / DON ROBINSON / MODIFICATION TO THE CONDITIONS OF APPROVAL</b>
7:25 p.m.	<b>APPLICATION #2882 / ZONING ORDINANCE REWRITE</b>
7:35 p.m.	<b>APPLICATION #2798 / PEDESTRIAN SIDEWALK MASTERPLAN</b>
	PUBLIC INPUT:
	DISCUSSION:

**REGULAR MEETING**

Chairman Lane opened the meeting at 6:30 p.m. Commissioner Ellis led the Pledge of Allegiance.

ELECT CHAIR FOR 2007 CALENDAR YEAR

Commissioner Poelman nominated Kevin Lane to be the Chairman for the 2007 calendar year and was seconded by Commissioner Nielsen. The nomination passed unanimously.

**MOTION:** A motion was made by Commissioner Nielsen to amend the agenda to state that the approval of minutes is for December 19, 2007. The motion was seconded by Commissioner Peterson and passed unanimously.

**APPROVAL OF THE DECEMBER 19, 2006 WORK SESSION MINUTES AND REGULAR MEETING MINUTES**

**MOTION:** A motion was made by Commissioner Peterson to approve the December 19, 2006 work session minutes. The motion was seconded by Commissioner Ellis and the motion unanimously carried.

**MOTION:** A motion was made by Commissioner Poelman to approve the December 19, 2006 regular meeting minutes. The motion was seconded by Commissioner Peterson and the motion unanimously carried.

**APPLICATION #2865 / PUBLIC HEARING – CONTINUANCE / KOTTER CANYON SUBDIVISION, PRELIMINARY PLAT / 1400 NORTH MAIN / KOTTER CANYON ESTATES LLC**

This was continued, due to a problem with the neighbor notification mail-out, to allow time for additional public comment. Mr. Teuscher recommended holding the public hearing, closing it and continuing the application until the meeting of February 20, 2007 to give Staff time to work with the applicant to get everything together and ready before moving on to the preliminary plat.

**MOTION:** A motion was made by Commissioner Nielsen to open the public hearing for **APPLICATION #2865**. The motion was seconded by Commissioner Poelman and passed unanimously.

Bliss Law and Paul Damon came to the table. Mr. Law stated that he is a resident of Brigham City and has property adjoining the subdivision north of town. He prepared a letter that was distributed to the Commissioners prior to the meeting. That letter was also put in the application file. Mr. Law read his letter to the Commissioners. He stated his appreciation of the comments provided by Hansen and Associates in response to his letter of December 19, 2006 and also said he would appreciate a response from the City. In respect to fencing, he stated that he felt that issue had not been addressed to his satisfaction and wanted to know if the City had imposed additional fencing requirements on the developer due to the fact that the area is in an approved Agricultural Protection Area. Mr. Law stated that his greatest concern was in respect to the narrow width of the lane on 1500 North. He felt it would cause a significant safety hazard and asked why the City is not requiring the road to be paved now instead of in the future. He asked if the City would use 'Eminent Domain' in the future to widen the road and he also asked why the developer was not currently pursuing the acquisition of the necessary property to provide a proper City street, as required by City ordinances. He felt that the City is not as concerned with preventing possible future liability as it is with getting a new subdivision. Mr. Law also stated that he quickly read through the new Subdivision Ordinance rewrite and found a section on minor collector streets and felt that the City should impose requirements for a minor collector street on the developer of this subdivision.

Paul Damon stated that he lives northwest of the proposed Kotter subdivision. He also stated that he was representing Geneva Fife and the Fife Equipment and Investment Company who owns the agricultural land adjacent to the proposed Kotter subdivision. His main concern is also the development of the road on 1500 North. Where the Fife property comes adjacent to the Kotter subdivision property he stated that it looks like an exception of 28-feet is being made, calling it a secondary road. He stated that it appeared this developer was getting preferential treatment and felt that the City should require the developer to negotiate or purchase the required right-of-way property before anymore planning of this subdivision is done. He stated that he did not get any notification of this meeting. Mr. Teuscher asked Ms. McGaha if a notice had been sent to them. She stated that neighbor notification had been sent to the address that was on the tax parcel number in the county records. That notice was returned to the City as there was no mail receptacle at that location. Mr. Damon stated that that address was no longer valid but the Post Office knows their Post Office Box number and should have put it in there anyway. He stated that their post office box number is 479 and wanted to have their records changed. Mr. Teuscher informed Mr. Damon that he would need to get that changed at the County but we would make note of it. Mr. Damon stated what he had been required to do with subdivisions in his 30-years as a contractor in building roads and subdivisions. He stated that Fife Development and Investment Company is not against the development of the subdivision but would like to see the City require the developer to build the entire 1500 North road according to Code. He stated his opinion that the developer and the City will be benefiting from the development of this subdivision and not the adjoining landowners.

Commissioner Nielsen asked Mr. Damon if, as far as he knew, anyone had ever approached Fife about acquiring sufficient land to complete the road with respect to this development. Mr. Damon replied that Jay Kotter had approached them at one time to purchase property sufficient to make the road and they said they were not interested in selling. Mr. Damon said he would like to talk to the developer. He stated that he did not want to stop progress but would like it done right the first time.

Ed Lemmon came to the table. He stated that he had an issue with the 1500 North road. He asked who would have responsibility if a proper road is not built and if the City would accept liability for it. He asked about privacy with a PUD. Mr. Teuscher replied that the PUD Ordinance will require it to have fencing. Mr. Lemmon stated that he had talked to different people within different cities about the road in this subdivision and their opinions were that the road wouldn't or shouldn't be allowed to go through as the plan currently shows it.

Mr. Teuscher explained that this is the very beginning of the development process and everyone needs to understand that this is what the developer has proposed and there will be no approvals on this application at this meeting; it is just the public hearing. There are a lot of questions as to what the developer has proposed and the plan before the Commission right now is not the final plan. All of the public comment from this meeting will be taken, put together and Staff will get with the developer and inform him that all the issues need to be addressed. Staff has a list of items that the developer needs to address besides what concerns the public has.

Mr. Lemmon commented that he would like the developer to address the 1500 North road and felt there should be a buffer zone between the existing homes before patio homes are built. He asked that the Commissioners take all the concerns under consideration and balance things out as best they can.

Mike Ravenberg came to the table. He stated that he was representing the fish hatchery property that is just south of the proposed Kotter subdivision. He stated that there have been five specific critical issues outlined in the comments he has previously submitted to the City. He did not want to go through them at this meeting but wanted to state for the record that he had made them and appreciated the input the Engineering firm had made to his comments. Mr. Ravenberg also stated that he felt a need to reply to the comments from the Engineering firm and had done so. He commented that the adjacent land owners, who have been there a number of years, consider they are a sufficient part of the community and take ownership in the community not just the ownership of their own property. When they heard this was the last and final public hearing it caused concern. He said they are looking for open discussion to discuss the details of the project not just five minutes of saying their peace and hoping the decisions will turn out all right. Mr. Ravenberg stated that he was not there to complain but to respectfully ask for an open forum because he felt that the adjacent landowners are a key element of the process.

Chairman Lane commented that every time the Commission meets, it is a public forum. Public comment is taken before decisions are made and adjacent property owners are and have been part of the decision making process as long as he has been on the Commission. He said the Planning Commission was not trying to shove anything down anyone's throat, they are just trying to do their best to do good planning for Brigham City. Mr. Teuscher stated that State code requires a formal public hearing and the Planning Commission always takes public input at all meetings and on all applications. As this process proceeds there will be more plans and the property owners within 300-feet will be notified. Mr. Lemmon stated that what scares him is that the developer has not approached Paul Damon, a key player in the right-of-way on the road. Mr. Ravenberg restated his desire to have an open forum to discuss the issues such as the water. The water needs to be managed in a specific way; it is not just waste water.

**MOTION:** A motion was made by Commissioner Nielsen to close the public hearing for **APPLICATION #2865**. The motion was seconded by Commissioner Poelman and passed unanimously.

**MOTION:** A motion was made by Commissioner Nielsen to continue **APPLICATION #2865** until the meeting of February 20, 2007 in order to give Staff time to review comments received at the public hearing as well as written comments received by the Staff; to review all the Staff and Engineering comments provided on the initial input and to review applicable subdivision and PUD requirements and present the Planning Commission with an as comprehensive a list as possible, at that meeting, of concerns that yet need to be resolved with the developer. The motion was seconded by Commissioner Poelman and passed unanimously.

Mr. Teuscher stated that if all the information is received, the application could be ready to come to the Commission on February 6, 2007. Chairman Lane also encouraged those in the audience to get any additional comments they may have to the Staff so they can be added.

#### **APPLICATION #1049 / AMEND EXISTING CONDITIONAL USE PERMIT FOR LICENSED FAMILY GROUP CHILD CARE PROVIDER / 130 ASHE CIRCLE / LOUISE STROMBERG**

This is a request to amend the conditional use permit for group child care for Louise Stromberg. Currently, there is a cap in her conditional use permit limiting her to 10 children; the State has licensed her for up to 16 children. Mrs. Stromberg has asked that the cap be removed and the CUP changed to state group childcare. The Planning Commission has given Staff the ability to consider, under certain circumstances, amendments to conditional uses. There are things that Staff can handle. Mr. Teuscher recommended that the Planning Commission give Staff the ability to deal with amendments on

group childcare. Mrs. Stromberg originally paid five dollars for her conditional use permit and had to pay two-hundred fifty dollars this time to amend that permit. Staff has no problem with the policy being amended, then Staff can handle issues like this administratively, at a reduced fee, if there have been no complaints with the day care.

It was asked if it would be appropriate to amend the policy and this application be withdrawn then go to Staff under the terms of the amended policy. Mr. Teuscher replied that even if the policy is amended, two-hundred dollars of the fee charged to Mrs. Stromberg would be refunded to her. He also stated the he had talked to the Mayor and City Administrator and they had no problem with the policy amendment or refunding the two-hundred dollars.

**MOTION:** A motion was made by Commissioner Nielsen with respect to **APPLICATION #1049** that the previous conditional use be amended to remove the limitation and allow licensed family group child care up to the limit provided in Chapter 9.16; subject to the stipulation that it complies with Brigham City Code Chapter 29.01.060, definition 96 Licensed Family Group Child Care Provider and comply with Brigham City Code Chapter 29.06 Conditional Uses and comply with Staff evaluation; based on the finding of fact that the conditional use permit is in compliance with Chapter 29.06 Conditional Uses and in compliance with Definition 96 Group Child Care Provider and such use will not be under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity and that such use is in compliance with the General Plan. The motion was seconded by Commissioner Poelman and passed unanimously.

**MOTION:** A motion was made by Commissioner Nielsen with respect to the Planning Commission policy concerning the authority of the Zoning Administrator to grant or deny conditional use permits, design review permits, lot alterations of a subdivision, neighbor notification of Planning Commission agenda items and reporting of Zoning Administrator action to the Planning Commission paragraph 1-B be amended by adding the following sentence; 'that we allow the Staff, in addition to what is listed here, to provide amendments to group child care to a licensed family group child care provider, 9-16 persons, where there have been no complaints on such conditional use in the past'. The motion was seconded by Commissioner Poelman and the motion passed unanimously.

**APPLICATION # 2868 / APPROVE AMENDED DESIGN REVIEW – RECEPTION CENTER/ 657 SOUTH MAIN STREET / KEVIN GUYMAN**

The developer on this application is Kevin Guyman. Mr. Guyman was originally doing a professional office space and is now asking to amend that application to allow for a reception center.

Mr. Guyman came to the table. Commissioner Nielsen commented that there were a number of comments from the Staff and he asked Mr. Teuscher if they had worked through the problems or if there was more time needed to do so. Mr. Teuscher replied that Mr. Guyman has been working with all the different departments to get those issues worked out. There are still a few things remaining that need to be worked out. The biggest issues are going to primarily be with the Inspection department in terms associated with the Building Code. Inside the building are a lot of issues that need to be addressed. Mr. Guyman is currently working with Staff on the parking, site-planning, landscaping and signage. Mr. Teuscher stated that, at this point, he is not uncomfortable in having this approved and letting Staff finish it with Mr. Guyman. Commissioner Nielsen was concerned with the Staff recommendation to continue this application. Mr. Teuscher responded that at the time the Staff evaluation was mailed out, there were a lot of things that needed to be done but Mr. Guyman has been working with Staff on this. There are still some technical issues that need to be completed but he was not sure that continuing the application would get them completed any faster than approving it now and letting Staff work with him. For the signage, Mr. Guyman will have to get a separate permit. The limit on the signage is based on lineal frontage and that has not been evaluated yet. The sign is 12-square feet with a black background and a lighted inside. Mr. Guyman stated that he has some proposals out on the sign but has not officially made a decision. Commissioner Poelman was concerned about the sign. She has seen some unattractive as well as attractive signage.

Miles Brown wanted to clarify that Mr. Guyman had already received approval of a professional office and what is being done at this time is amending it to approve a reception center. Chairman Lane commented that there are different requirements for each establishment. Mr. Teuscher added that the site plan has pretty much addressed the zoning issues but there are still some building code issues and the landscaping needs to be reviewed by Paul Jensen. At the time Staff sent out the evaluation there was not enough information to evaluate and since that time Mr. Guyman has submitted a lot of needed information.

Commissioner Peterson stated her concern about access on and off of Main Street. That driveway is only wide enough for one vehicle at a time. Mr. Guyman replied that his long-term plan is to widen the access to allow for in and out traffic and

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he will have to get approval from the Utah Department of Transportation (UDOT). Mr. Teuscher stated that his access is on a State highway and there are guidelines for that. The access currently is fairly narrow and Mr. Guyman will need to find out what UDOT will allow. Mr. Guyman stated that he had applied to have one of the trees in the right-of-way taken out because it is half dead. There needs to be 18 total parking stalls for this facility. Mr. Guyman stated that the hope is that all these issues will be worked out by the time the parking lot is ready to be paved in the spring. He does have some issues inside the building that need to be taken care of. He said they would like to get going on this project. Mr. Teuscher stated that Mr. Guyman cannot do any interior work on the building until the design review amendment is approved and he is issued a building permit. The building permit will not be issued until the design review has been approved. One of the conditions the Commission may want to set is that the access be widened before a business license is issued so there is sufficient access approved by UDOT. UDOT will issue a separate permit for that access and typically UDOT will work with them on it. They will not give Mr. Guyman a big wide access but it is likely they will give him reasonably sufficient access for that location.

**MOTION:** A motion was made by Commissioner Poelman to approve **APPLICATION # 2868** based upon the fact that it will comply with Chapter 29.11 Design Review and all of Staff comments and that it also be based upon the extension of the driveway to a minimum of 24-feet for the entrance approved by UDOT. The motion was seconded by Miles Brown.

Discussion: Commissioner Nielsen asked if it was necessary to both specify a minimum width and suitable access by UDOT or if that would be redundant. Mr. Teuscher suggested that the width of the access be left up to UDOT to determine what is adequate for that commercial use. Commissioner Nielsen also asked if it should be specified that the City would not issue a business license until such access was approved and accepted by UDOT. It was agreed to add to the motion that the City would not issue a business license until such access is approved and accepted by UDOT.

Commissioner Poelman so moved to amend her motion as suggested and was seconded by Miles Brown. The motion passed unanimously.

**APPLICATION #2810 / DESIGN REVIEW – PROFESSIONAL OFFICE RETAIL SALES / 1125/1149 SOUTH 450 WEST / DON ROBINSON / MODIFICATION TO THE CONDITIONS OF APPROVAL**

This is a request to amend the design review for the South Brigham Plaza located at Power Sports Subdivision lot 2, specifically for Golden Spike Motors. In the original design review there were specific building elevations that were approved by the Planning Commission. The applicant would like the Commission to review some possible alternatives for the design.

Brian Walker came to the table. Mr. Walker stated that the original proposed design had rock columns on the corners of the building and rock along the bottom. He decided it would look better to trim the building with more trim and have matching columns with stucco trim around the windows, shop doors and building entrance. The trim around the shop doors is to be a two-tone trim stucco to match the other building on the premises. This plan is different than what was previously submitted and Mr. Walker stated that he felt it would be important to get authorization from the Planning Commission before making the change. In his opinion, the new design adds more depth and improves the appearance of the building. The business office is complete with stucco. The business office was originally approved with rock and stucco. In his understanding, their design was to comply with the other development in the 1100 South corridor. Mr. Walker stated that he looked at the other buildings and he felt the office would look better with stucco and highlighted trim without adding rock. In doing so, he felt that he was complying with the Planning Commission's desire that he stay in accordance with the spirit of the designs in the 1100 South corridor. The various buildings he had observed in the area had rock, rock and stucco, stucco only and stucco with stucco columns. He was in hopes that the updated design he has for the office building will be considered appropriate by the Planning Commission and requested that the building be allowed to stand as it is and the new design on the shop be approved.

Chairman Lane asked how far the new plan detracted from the spirit of the designing. Mr. Teuscher replied that when this was originally approved, the Commission wanted some consistency with the architectural features of the buildings in the development. Mr. Walker stated that he did not understand that the rock on the building was a crucial item. There is a planter across the frontage of the office building where he wants to put rock which will tie the design to the other building. Mr. Walker has put a dormer over each window and a planter underneath each window with shutters.

Commissioner Nielsen commented that it was unfortunate that they did not have a copy of the new plans to review. Consistency in the look of the buildings in that development was the intent of the original design review.

Mr. Walker commented that according to the minutes of the meeting when the original design review was approved, there was to be stucco and rock on the building but there was no clear statement as to what the office should look like. He



stated that he was not at that meeting. He said there was no approved drawing of his office that had been submitted as to how it should look. He stated that he attended a later meeting and it was not clear as to how much rock and stucco his building had to have but that it should comply with the spirit of what was happening on 1100 South. He stated that he had taken some liberties in his ignorance but he felt he had not gone too far astray with the design. Commissioner Poelman asked if effects from the stone work on the planter would make a good substitute for what he was going to put on the building. Mr. Walker replied that the planter box is low and at present, the vehicles on the lot cover the view of the front of the building. Mr. Teuscher stated that in order to see the planter box one would have to pull into the parking lot.

Miles Brown made an observation regarding consistency with the buildings in the development. He stated that after looking through the drawings, putting some rock on the front of the office building will not do a lot to make it look like the other buildings around it. Mr. Walker replied that the office building has a cottage-type look to it and what he has done to tie the buildings together was to match the stucco and contrasting trim. The rock was an after thought and he stated that he had no idea that it would be an issue for the Planning Commission. He thinks it will look horrible to add rock the office building in the same manner as the other buildings. Mr. Walker stated that his objective was to not only make his building aesthetically pleasing to the eye for his customers but also something he could be proud of.

Commissioner McGaha read the findings of fact from the Staff evaluation which stated that the amended application is, "1) in compliance with the spirit of the Design Guidelines for commercial sites and structures within the Commons Area; 2) that such use will not under the circumstances of the particular case be detrimental to the health, safety and general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity; 3) such use is in compliance with the Brigham City/Perry City Interlocal Agreement and 4) such use is in compliance with the Brigham City General Plan". Commissioner McGaha stated that based on the findings of fact he did not see where they would find a problem in approving this application.

Mr. Teuscher clarified the Staff recommendations listed in the Staff evaluation. The first recommendation is to uphold the conditions that were set by the Planning Commission originally and the second recommendation is that if the Commission likes what is being proposed by the amendment than allow the amendment to the application. Commissioner Nielsen stated that he would like to see what the proposed changes are going to look like so the Commission knows exactly what they are approving. Mr. Walker stated that he did not have a problem bringing in a new elevation. Miles Brown suggested Mr. Walker bring in a computer generated image of what the building would look like both ways, as it would help in making a decision.

Commissioner Ellis asked about the Interlocal agreement. Mr. Teuscher explained that the Brigham City/Perry City Joint Advisory Board made a recommendation but the Brigham City Planning Commission will make the final decision for this application. The two cities had been working on design guidelines for 1100 South which were pending at that time and were adopted by both jurisdictions after construction began. The Planning Commission wanted consistency through the entire development. There are similar design features in some of the newer buildings on 1100 South and that the intent was to stay within the 'spirit' of the designs along that corridor. Mr. Teuscher recommended that this application be continued and have Mr. Walker bring in a representation of what he thinks the building should look like. Mr. Walker agreed to do so.

**MOTION:** A motion was made by Miles Brown to continue **APPLICATION #2810** to the February 6, 2007 meeting and have the applicant prepare an elevation so the Planning Commission can better evaluate the merits of this application. The motion was seconded by Commissioner Nielsen and passed unanimously.

#### **APPLICATION #2882 / ZONING ORDINANCE REWRITE**

This is the beginning of the Zoning Ordinance rewrite. Six separate chapters were given to the Planning Commission to evaluate. Mr. Teuscher explained that in the Code, codes are typically broken into three sections. The first six sections are Administrative and define the Planning Commission, Land Use Authority, Appeal Authority and what they can and cannot do. These are the basic administrative functions of the Code. Mr. Teuscher said a consultant will write the other sections. Those sections are critical and will be rewritten to be consistent with the General Plan. Another section is the Schedule of Land Uses. Currently in the Code, it is inconsistent from zone to zone. This will be a table that will show all the allowed uses and all zones and whether each use is a permitted use or a conditional use and what zone they are allowed in. The philosophy is to make every use have a definition as to what it means. Currently, there are not definitions for a lot of uses. Mr. Teuscher gave an example of 'aquaculture', which is raising fish. That use is not defined in the code and, currently, there is a fish farm operating in the city; technically it is an illegal use. Every time a use is added, a definition will be added as well. Once a month, Staff is going to meet and work on the code sections. Mr. Teuscher stated he would like to see comments from the Planning Commission, on these sections, by the February 20, 2007 meeting. The intent is to consolidate it and make it easier to administer and read.

**MOTION:** A motion was made by Commissioner Poelman to continue **APPLICATION #2882** until the February 20, 2007 meeting. The motion was seconded by Commissioner Nielsen and passed unanimously.

#### **APPLICATION #2798 / PEDESTRIAN SIDEWALK MASTERPLAN**

Mr. Teuscher suggested that the remaining 20 parcels be labeled and identified in the Pedestrian Sidewalk Master Plan and be allowed deferrals, as they are developed. Commissioner Ellis asked how it will be explained why those parcels were pre-approved for deferral and others were not. Mr. Teuscher explained that those 20 parcels are so small that they will not have any development other than a single family dwelling because they physically are not large enough for anything else. The issue of when to consider a deferral, when not to defer and when to always defer, still needs to be addressed. That criteria needs to be looked at. Mr. Teuscher suggested that areas ranking 7 and higher should never be deferred; areas ranking 6 thru 4 the applicant should present his case as to why it should be granted a deferral. Various parcels within the city were discussed along with different speculations on deferral and differing opinions on granting and not granting deferrals. Mr. Teuscher proposed having written into the Plan a section outlining individual parcels of a certain size, including a map of those parcels, that will get automatic deferrals because of their uniqueness.

**MOTION:** A motion was made by Commissioner Nielsen to continue **APPLICATION #2798** to the February 20, 2007 meeting to give Staff time to prepare the recommended amendment to the Pedestrian Sidewalk Master Plan. The motion was seconded by Commissioner Peterson and the motion carried unanimously.

#### **PUBLIC INPUT:**

There was no public input.

#### **DISCUSSION:**

Commissioner Nielsen made a note that in the unapproved City Council minutes of December 21, 2006 there is a motion to schedule a work session on the first of February to discuss the revised subdivision ordinance and hold a public hearing. Mr. Teuscher explained that the developer wants to meet with the Council prior to the public hearing and review the Ordinance with them so they are aware of the structure of the Code. The Planning Commission is invited to attend that meeting. In the regular meeting a public hearing will be held on the Subdivision Ordinance. Chairman Lane said he will be gone from the 1<sup>st</sup> to the 12<sup>th</sup>.

Mr. Teuscher stated that, in regards to Bruce E. Wood's petition to change the side yard setback, he had gone out and surveyed six different jurisdictions. The smallest setback that was found was 4-feet. The Building Code has been amended by the State and anything within 5-feet of the property line has to have fire ratings. It is going to be very difficult for Mr. Wood's building to meet Building Code. He will need to have a fire-rated wall. Jared Johnson, Brigham City Chief Building Official, is writing a letter to the Commission explaining what the 2006 Code says. That Code is very restrictive. If the one-foot side yard is granted, Mr. Wood would have to make a lot of structural changes on that wall to meet the fire rating.

Commissioner Poelman asked if Jeff Leishman goes out looking for infractions as in the case of the daycare. Mr. Teuscher explained that in the process of renewing business licenses, the daycare issue had been found. The licensing was inconsistent with the conditional use permit. Mr. Leishman had sent out the letter. Commissioner Poelman commented about the eyesore on Forest Street at Uncle Bert's and asked why some things are addressed and some are not.

Mr. Teuscher stated that he had met with the Bells and they had decided to withdraw their application for zone change for a recycling center. He discussed some options with her.

**MOTION:** A motion was made by Commissioner Nielsen to adjourn. The motion was seconded by Miles Brown and the motion carried unanimously.

Meeting adjourned at 8:39 p.m.

This certifies that the regular meeting minutes of January 16, 2007 are a true and accurate copy as approved by the Planning Commission on February 6, 2007.

Signed: \_\_\_\_\_

Jeffery R. Leishman, Secretary